STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW
ETHICS ADJUDICATORY BOARD

BOARD OF ETHICS	*	**DOCKET NO. 2021-4079-ETHICS-A**
	*	
IN THE MATTER OF	*	
	*	
REDDEX WASHINGTON JR.	*	**AGENCY TRACKING NO. 5121-040**

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DECISION AND ORDER

The Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, requested a hearing to have the Ethics Adjudicatory Board determine whether Reddex Washington Jr. failed to file his 40-G campaign finance disclosure report by the eleventh day after it was due, in connection with his 2020 candidacy for the office of Councilman, District 1, City of Alexandria, Parish of Rapides. The Louisiana Board of Ethics proved by clear and convincing evidence that Reddex Washington Jr. failed to file the report as alleged. Pursuant to Louisiana Revised Statutes 18:1505.4(A)(4)(b), the Louisiana Board of Ethics is authorized to impose an additional civil penalty not to exceed $10,000 against Reddex Washington Jr.

APPEARANCES

The hearing in this matter was conducted September 30, 2021, in Baton Rouge, Louisiana, before the Ethics Adjudicatory Board, Panel A.[1] Charles E. Reeves Jr., counsel for the Louisiana Board of Ethics, appeared for the hearing. Though properly noticed, Reddex Washington Jr. did not appear for the hearing.[2]

[1] The panel consisted of administrative law judges A. Brock Avery (presiding), Lance B. Vinson, and Sherlyn D. Shumpert.

[2] The *Conference Report and Order* setting this matter for hearing and Division of Administrative Law correspondence notifying Mr. Washington of the hearing date and time were mailed to his last known address (58 Bertie Street, Alexandria, Louisiana 71301) on July 20, 2021. These documents are parts of the record in this matter; the BOE also included them in BOE-12.

STATEMENT OF THE CASE

The Louisiana Board of Ethics (BOE) in its capacity as the Supervisory Committee on Campaign Finance Disclosure, imposed a civil penalty on Reddex Washington Jr. (Respondent) for failing to timely file the campaign finance disclosure report that was due forty days after the general election (40-G report) in connection with his 2020 candidacy for the office of Councilman, District 1, City of Alexandria, Parish of Rapides. The BOE then requested a hearing to have the Ethics Adjudicatory Board (EAB) determine whether Respondent failed to file his 40-G report by the eleventh day after it was due, which may subject him to an additional civil penalty not to exceed $10,000, as authorized by La. R.S. 18:1505.4(A)(4)(b).

At the hearing, counsel for the BOE offered and introduced thirteen exhibits, which were admitted into evidence.[3] Counsel presented the case on behalf of the BOE, the record was closed, and the matter was submitted for decision.

This adjudication is conducted in accordance with the Code of Governmental Ethics, La. R.S. 42:1101, *et seq*., the Campaign Financial Disclosure Act (CFDA), La. R.S. 18:1481, *et seq.*, the Administrative Procedure Act, La. R.S. 49:950, *et seq.*, and the enabling legislation of the Division of Administrative Law, La. R.S. 49:991, *et seq*.

FINDINGS OF FACT

1) In the November 3, 2020, primary election, Respondent qualified as a candidate for office of Councilman, District 1, City of Alexandria, Parish of Rapides, an "any other" level office.[4] Respondent received thirty-seven percent of the vote in the primary election and qualified to participate in the December 5, 2020, general election.[5] Respondent was the

[3] All the exhibits had been certified by affidavit to be true and correct copies of the BOE records. BOE-1 (September 16, 2021, affidavit of Carolyn Abadie Landry, Executive Secretary for the BOE).
[4] *See* BOE-2.
[5] BOE-3, p. 3.

successful candidate in the general election, receiving fifty-six percent of the vote.[6]

2) When he qualified as a candidate in the November 3, 2020, primary election, Respondent acknowledged that he was subject to the provisions of the CFDA.[7]

3) Respondent's campaign received contributions exceeding two hundred dollars.[8]

4) Respondent was required to file a 40-G report by January 14, 2021, the fortieth day after the December 5, 2020, general election.[9]

5) Respondent did not file his 40-G report by the January 14, 2021, statutory deadline or by January 25, 2021, eleven days after the statutory deadline.[10]

6) On May 21, 2021, the BOE issued a *Late Fee Assessment Order* to Respondent that (a) assessed a late fee of $1,000 and (b) ordered Respondent to file a 40-G report within twenty days of his receipt of the order.[11] The *Late Fee Assessment Order* was mailed to Respondent at 58 Bertie Street, Alexandria, Louisiana 71301; it was delivered on May 24, 2021.[12] Respondent was notified in the letter accompanying the *Late Fee Assessment Order* that he could be subject to "an additional $10,000 penalty" if he failed to file the 40-G report.[13]

7) On June 22, 2021, the BOE mailed a copy of the *Request for Hearing* to Respondent by certified mail, return receipt requested, at 58 Bertie Street, Alexandria, Louisiana 71301; it was delivered on June 24, 2021.[14]

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[6] *Id.* at p. 6.
[7] BOE-2, p. 3.
[8] BOE-6, p. 9.
[9] *See* BOE-5, p. 1, and La. R.S. 18:1495.4(B)(6).
[10] BOE-9 (Affidavit of Angela Newsom, Director of Campaign Finance for the BOE, certifying that, as of September 16, 2021, Respondent had still not filed a 40-G report). As of the date of the hearing, there was nothing in the record showing that Respondent had filed the 40-G report.
[11] BOE-8, p. 2.
[12] *Id.* at p. 3.
[13] *Id.* at p. 1.
[14] BOE-6, p. 15.

CONCLUSIONS OF LAW

Respondent knowingly failed to file a 40-G report by the eleventh day after the report was due. For this failure, the BOE is authorized to impose an additional civil penalty against Respondent as allowed by La. R.S. 18:1505.4(A)(4)(b).

Adjudicatory hearings under La. R.S. 18:1505.4(A)(4)(a)-(b) cover two kinds of campaign finance disclosure reports candidates must file in connection with elections. La. R.S. 18:1505.4(A)(4)(a) addresses reports that candidates must file between the time the candidate qualified for the election and the election day. La. R.S. 18:1505.4(A)(4)(b) addresses "other reports" candidates must file in connection with an election at other times. In either case, the BOE must prove by clear and convincing evidence[15] that the candidate knowingly[16] failed to file a required report within the six or eleven-day period following when it was due, respectively.

Respondent was a candidate for Councilman, District 1, City of Alexandria, Parish of Rapides, which is an "any other" level office.[17] Every candidate (or his campaign treasurer) for an "any other" level office is required to file certain campaign finance disclosure reports by the statutory deadlines.[18] Failure to timely submit required reports constitutes a violation of the CFDA.[19]

Because Respondent, as a candidate for an "any other" level office, received a campaign contribution in excess of two hundred dollars, he was required to file certain campaign finance

[15] *See* La. R.S. 42:1141.5(C). "'Clear and convincing evidence', in general, means that the fact of guilt must be proven to a greater degree than by 'a mere preponderance of the evidence' but less than by beyond a reasonable doubt . . .. The standard requires that the existence of the disputed fact be [h]ighly probable, that is, much more probable than its non-existence.'" *Louisiana State Bar Ass'n v. Edwins*, 329 So. 2d 437, 442 (La. 1976).
[16] La. R.S. 18:1505.4(A)(1).
[17] An "any other" level office is any office that is not a "district office" or a "major office." *See* La. R.S. 18:1483(7) and (11) (defining "district office" and "major office," respectively) and BOE-4, p. 2.
[18] La. R.S. 18:1495.4.
[19] La. R.S. 18:1505.1(B).

disclosure reports (reports of contributions and expenditures), including a 40-G report.[20] Respondent was required to file a 40-G report no later than January 14, 2021, forty days after the December 5, 2020, general election.[21] Respondent failed to file the 40-G report by the statutory deadline or by the eleventh day after it was due, January 25, 2021.

If, after conducting an adjudicatory hearing, the EAB determines that Respondent knowingly failed to file a required campaign finance disclosure report within the applicable time period, then the BOE may impose an additional civil penalty not to exceed $10,000 against Respondent for each report that he failed to timely file.[22] Failure to file a required report within three days after the final date for filing creates a rebuttable presumption of intent to not file the report.[23] Nothing in evidence rebuts this statutory presumption.

With the benefit of the unrebutted statutory presumption of intent not to file, the BOE proved by clear and convincing evidence that Respondent knowingly violated the CFDA by failing to file his 40-G report by January 25, 2021, eleven days after the January 14, 2021, statutory deadline. As a result, the BOE is authorized by La. R.S. 18:1505.4(A)(4)(b) to impose an additional civil penalty of up to $10,000 on Respondent.

[20] *See* La. R.S. 18:1484(2)(b).
[21] La. R.S. 18:1495.4(B)(6); BOE-5, p. 1.
[22] La. R.S. 18:1505.4(A)(4).
[23] La. R.S. 18:1505.1(A).

ORDER

IT IS ORDERED that the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, is authorized to impose an additional civil penalty not to exceed $10,000 against Reddex Washington Jr. for failing to file his 40-G campaign finance disclosure report by the eleventh day after it was due.

Rendered and signed on October 4, 2021, in Baton Rouge, Louisiana.

A. Brock Avery
Presiding Administrative Law Judge
Ethics Adjudicatory Board, Panel A

Sherlyn D. Shumpert
Administrative Law Judge
Ethics Adjudicatory Board, Panel A

Lance B. Vinson
Administrative Law Judge
Ethics Adjudicatory Board, Panel A

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Wednesday, October 06, 2021, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court
Division of Administrative Law

REVIEW RIGHTS

Requests for rehearing, reopening, or reconsideration are subject to the procedures, timing requirements, and legal grounds provided in Louisiana Revised Statutes (La. R.S.) 49:959, with the time for filing calculated pursuant to Louisiana Code of Civil Procedure article 5059. To determine your review rights, you should act promptly.

To request rehearing, reopening, or reconsideration, please send it to one of the addresses indicated below:

EMAIL documents to:
EABprocessing@adminlaw.la.gov

FAX documents to:
(225) 219-9820

MAIL documents to:
DAL – EAB Section
P. O. Box 44033
Baton Rouge, LA 70804-4033

If you do not request rehearing of your decision or your rehearing request is denied, you have the right to seek judicial review in accordance with La. R.S. 42:1142(A)(1), with the time for requesting judicial review calculated pursuant to La. C.C.P. art 5059. To determine your review rights, you should act promptly.